United Nations A/HRC/31/NGO/67

General Assembly

Distr.: General
18 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by Americans for Democracy & Human Rights in Bahrain Inc, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Death Sentences and Civil Society in Saudi Arabia

Executions in Saudi Arabia

Americans for Democracy & Human Rights in Bahrain would like to use the occasion of the 31st Session of the Human Rights Council to express our serious concern at the Kingdom of Saudi Arabia's increased use of the death penalty and continued targeting of human rights defenders. Throughout 2015, the government continued its arrest, imprisonment, and sentencing of numerous human rights activists. In 2015, Saudi Arabia executed more than 150 people—the highest in a single year since 1995.

On 2 January 2016, the Government of Saudi Arabia carried out a mass execution of 47 people. Among those executed included at least three political dissidents, several mentally ill prisoners, prisoners arrested for crimes committed as minors, and the Muslim cleric and human rights activist Sheikh Nimr Baqir al-Nimr.

Sheikh Nimr was a popular social and religious leader who denounced systematic discrimination against Saudi Arabia's minorities and called for activists to use nonviolent resistance to achieve justice and equality for all Saudi citizens. Beginning in 2011, he became a figurehead of Saudi Arabia's protest movement in the Eastern Province. On 8 July 2012, Saudi officials violently arrested Sheikh Nimr, who suffered multiple gunshot wounds in the course of the arrest. Authorities tried him before the Specialized Criminal Court, Saudi Arabia's court tasked with prosecuting crimes related to terrorism, on a number of charges related to his peaceful calls for reform. During the proceedings, the judge often failed to notify Sheikh Nimr's defense team of hearings or notified the defense team only one day in advance. The court also denied the defense team the opportunity to question eyewitnesses. On 15 October 2014, a Saudi judge sentenced Sheikh Nimr to death for disobeying the ruler, inciting sectarian strife, and encouraging demonstrations. The Supreme Court declined to hear an appeal.

Saudi Arabia has frequently sentenced people to death for their activism and nonviolent crimes. Ali al-Nimr, Dawood Hussein al-Marhoon, and Abdullah Hasan al-Zaher sit on death row for crimes they reportedly committed as minors. Security forces arrested Ali al-Nimr in February 2012 for his participation in popular demonstrations, when he was 17 years old. Officials held him in detention for months and reportedly tortured Ali in order to coerce a confession, before taking him before a judge. Prison staff prevented Ali's lawyer from visiting him, or helping him prepare a defense both before and during his trial. In May 2014, the Specialized Criminal Court sentenced Ali to death. Similarly, security forces arrested Dawood Hussein al-Marhoon and Abdullah Hasan al-Zaher in spring 2012 for their roles in Eastern Province protests, when they were 17 and 15 years old, respectively. Officials denied them access to a lawyer during interrogations and reportedly tortured them into confessing. The Specialized Criminal Court sentenced both men to death in October 2014. The government could execute all three men at any time.

In November 2015, a Saudi court sentenced Palestinian poet Ashraf Fayadh to death for apostasy based on a number of his poems. Saudi officials originally arrested Fayadh in August 2013 after an acquaintance reported him to the religious police. Though he was released without charge, authorities rearrested him in January 2014 and accused him of blasphemy and illicit relationships with women. After a series of appeals, on 2 February 2016, the government reduced Fayadh's death sentence to eight years in prison and eight hundred lashes.

As Ashraf Fayadh's and Ali al-Nimr's cases demonstrate, the Government of Saudi Arabia continues to allow the use of the death penalty against those convicted of crimes committed as minors and those convicted of nonviolent crimes. Trial judges have wide discretion in determining whether a defendant qualifies as a child by arbitrarily assessing whether the defendant is showing physical signs of puberty at the time of the trial. Children have been sentenced to death for crimes committed when they were as young as 13 years old. Nonviolent offenses that warrant the death penalty in Saudi Arabia include adultery, apostasy, drug-related offenses, witchcraft, and sorcery. Saudi Arabia's judiciary remains highly opaque, particularly in the capital cases, rendering it difficult to tell whether defendants could properly present a defense. Defendants in these cases rarely have access to full legal representation.

Saudi Arabia's increasing use of the death penalty represents a troubling pattern. Each year since 2012, Saudi Arabia has executed at least 75 people. In 2014, the government executed 90 people. In 2015, Saudi authorities carried out 158 executions, the highest amount of executions in a single year since 1995. One month into 2016, the Saudi government

has already executed at least 53 people. The execution of Sheikh Nimr further suggests a worrisome willingness by the Saudi government to execute nonviolent activists and political dissenters.

Civil Society in Saudi Arabia

Throughout 2015, the Saudi government continued to target human rights activists and close off space for civil society actors. Currently, there are no independent civil society organizations operating in Saudi Arabia, and human rights organizations cannot obtain legal recognition due to the lack of a formalized law of associations. In past years, the government commonly arrested and charged members of human rights organizations with "forming an unlicensed organization." In fall 2015, the government released the text of a long-awaited law for civil associations and organizations. The new law contains a stringent regulatory process for civil society organizations that only allows for government-sanctioned non-governmental organizations. Pursuant to the law, the Minister of Social Affairs and Islamic Affairs possess the authority to determine what constitutes "allowable" activities for organizations. The law further allows ministry officials to deny licenses to new organizations if officials decide that their activities contradict the Sharia, public order, public morals, or national unity. This wording enables the government to prohibit the creation of any organization that might express criticism of the kingdom, maintaining its de facto ban on independent human rights organizations.

On 12 January 2016, Saudi authorities arrested prominent human rights defender Samar Badawi. The week before her arrest, authorities summoned her for questioning about activity on the Twitter account of her former husband, imprisoned human rights lawyer Waleed Abu al-Khair. Authorities released Badawi a day after her arrest. The Government of Saudi Arabia has targeted Badawi numerous times in the past. In December 2014, Ministry of Interior officials blocked her from boarding a plane to attend the EU Forum on Human Rights in Brussels and informed her that she had been banned from traveling. International human rights organizations maintain that the ban stemmed from her participation in the 27th Session of the UN Human Rights Council in September 2014, where she spoke critically and publicly about human rights violations in Saudi Arabia.

Over the course of the year, Saudi authorities continued to target founding members of the Saudi Civil and Political Rights Association (ACPRA). Saudi human rights defenders founded ACPRA in 2009 to campaign for political reform and advocate for the rights of political prisoners and detainees in the Kingdom. ACPRA operated as an unlicensed human rights organization until the government ordered its closure in 2013. Since March 2011, Saudi authorities have conducted a campaign to arrest, prosecute, and imprison many of the founding members of ACPRA. On 19 October 2015, the Specialized Criminal Court sentenced founding members Dr. Abdulkareem al-Khoder and Dr. Abdulrahman al-Hamid to ten years in prison and a ten-year travel ban and nine years in prison, a nine-year travel ban, and a USD 13,330 fine, respectively. By the end of 2015, Saudi courts had sentenced nine out of eleven of ACPRA's founding members to prison terms.

Mohammed al-Qahtani, another of ACPRA's founding members, continues to suffer from mistreatment while serving his prison term. Saudi authorities have reportedly held him in a smokers' ward in prison, despite his smoke allergy. Since his imprisonment in March 2013, he has lost more than 25 kilograms of body weight. Prior to his arrest, al-Qahtani had been a standard bearer of the Saudi human rights community. He assisted unjustly held detainees in submitting cases to the Board of Grievance and spoke out publicly to raise concerns about the human rights situation in Saudi Arabia. Al-Qahtani is currently serving a ten-year prison sentence for his involvement in human rights advocacy.

The Kingdom of Saudi Arabia has not taken any meaningful steps toward curbing its use of the death penalty or improving the environment for human rights defenders in the country. We ask that the international community call on Saudi Arabia to impose a moratorium on all executions, with a view towards abolition. We further urge the Government of Saudi Arabia to allow human rights defenders to freely and legally operate openly and independently without fear of intimidation or reprisal. We hope that the international community's renewed pressure will encourage the Saudi government to curb its irresponsible use of the death penalty and to provide protections to civil society actors.